

**Tennessee Ethics Commission
November 13, 2012
Minutes**

The Tennessee Ethics Commission met on Tuesday, November 13, 2012 at 9:00 a.m. at the Bureau of Ethics and Campaign Finance office. Members present were: Jim Stranch, Greg Hardeman, George Jaynes, and Keith Norman. Chairman Stranch called the meeting to order.

July 31, 2012 Minutes

Mr. Jaynes made the motion to approve the July 31, 2012 minutes and Mr. Norman seconded. The motion passed 4-0.

Requests for Reconsideration

Mary Annette Smith (School Board Member – Clay County) – 2012-038

Ms. Smith submitted a request for a second reconsideration of the \$10,000 civil penalty assessed on May 16, 2012. Mr. Jaynes made the motion to grant a reconsideration and to waive the assessment. Mr. Norman seconded and the motion passed 4-0.

Charles Johnson (Alderman – Bulls Gap, Hawkins County) – 2012-045

Mr. Johnson submitted a request for reconsideration of the \$10,000 civil penalty assessed on May 16, 2012. Mr. Hardeman made the motion to assess a \$1,000 civil penalty and Mr. Jaynes seconded. The motion passed 4-0.

Metro Livery (Employer of Lobbyist) – 2012-054

Jeni Williams represented Metro Livery before the Commission and requested reconsideration of the \$750 civil penalty assessed on May 16, 2012, for failure to file an expenditure report. The Commission postponed reconsideration until the next meeting to give Metro Livery the opportunity to file the report. Metro Livery filed the report on August 12, 2012. Mr. Norman made the motion to assess no civil penalty and Mr. Jaynes seconded. The motion passed 4-0.

Civil Penalty Assessments – Candidates

John Meldorf, Judge – Soddy Daisy, Hamilton County – 2012-060

Mr. Meldorf submitted a statement to be considered by the Commission for filing 13 days late. Mr. Hardeman made the motion to take no action and Mr. Norman seconded. The motion passed 4-0.

Jonathan Lewis, Shelby County Board of Education – 2012-064

Mr. Norman made the motion to assess a \$100 civil penalty for filing 13 days late. Mr. Jaynes seconded and the motion passed 4-0.

John Lewis Knost, Alderman – Monteagle, Grundy County – 2012-065

Mr. Knost submitted a statement to be considered by the Commission for filing 4 days late. Mr. Norman made the motion to take no action and Mr. Hardeman seconded. The motion passed 4-0.

James Roach, Alderman – Rutherford County – 2012-066

Mr. Hardeman made the motion to assess a \$100 civil penalty for filing 10 days late and Mr. Norman seconded. The motion passed 4-0.

Paul Truett, Alderman – Hornbeak, Obion County – 2012-067

Mr. Truett submitted a statement to be considered by the Commission for filing 11 days late. Mr. Hardeman made the motion to take no action and Mr. Norman seconded. The motion passed 4-0.

Alfred Dwayne (Pig) Whitman, Alderman – Altamont, Grundy County – 2012-069

Mr. Whitman submitted a statement to be considered by the Commission for filing 1 day late. Mr. Norman made the motion to take no action. Mr. Hardeman seconded and the motion passed 4-0.

Robert L. Woods, Mayor – South Pittsburgh, Marion County – 2012-070

Mr. Norman made the motion to take no action for filing 1 day late. Mr. Hardeman seconded and the motion passed 4-0.

Naomi McCormick, Alderman – Bradford, Gibson County – 2012-071

Mr. Norman made the motion to assess a \$200 civil penalty for filing 21 days late and Mr. Hardeman seconded. The motion passed 4-0.

Civil Penalty Assessment – Employer of Lobbyist

The TN Oil and Gas Association filed the employer of lobbyist expenditure report 5 days late. On October 23, 2012, the association paid the \$125 civil penalty that could be assessed. Mr. Hardeman made the motion to assess a \$125 civil penalty and Mr. Jaynes seconded. The motion passed 4-0.

Gift Ban Violation

On August 22, 2012, the Commission received notice from Charles Cagle, lobbyist for Pearson, Inc., that a Pearson employee had given a TN Department of Education employee a case of wine. Pearson staff also reported this to the Department of Education and the department conducted an investigation. The state employee subsequently received disciplinary action and counseling on proper procedures to follow. Mr. Cagle retrieved the wine from the state employee.

Because of the self-reporting action by Pearson, Inc. and the actions taken by the Department of Education, Mr. Hardeman moved to take no action. Mr. Norman seconded and the motion passed 4-0.

Delinquent Payment of Professional Privilege Tax

T.C.A. § 67-4-1704 requires for suspension of a license for two or more nonpayments of the professional privilege tax to the Department of Revenue. The Commission was notified that the following lobbyists were delinquent for two years in paying the tax:

Mike Alder
Andrea Arnold
Scott Pierce

Mr. Hardeman made the motion to suspend the lobbyists until the tax is paid. Mr. Jaynes seconded and the motion passed 4-0.

2011 Lobbyist Audits

Anthony Daniels

Mr. Hardeman moved to take no action for failure to timely register and Mr. Jaynes seconded. The motion passed 4-0.

Doug Gunnels

Mr. Hardeman moved to take no action but to send notice that Mr. Gunnels could have been subject to a \$600 civil penalty for failure to timely register. Mr. Jaynes seconded and the motion passed 4-0.

Brad Lampley

Mr. Norman moved to issue a show cause notice to Mr. Lampley and Mr. Hardeman seconded. The motion passed 4-0.

Thomas Lee

Mr. Norman moved to issue a show cause notice to Mr. Lee and Mr. Jaynes seconded. The motion passed 4-0.

Marilyn Mathis

Mr. Hardeman moved to take no action for failure to timely register. Mr. Jaynes seconded and the motion passed 4-0.

Billy Stair

Mr. Norman moved to take no action for failure to timely register. Mr. Hardeman seconded and the motion passed 4-0.

Josh Thomas

Mr. Norman moved to issue a show cause notice to Mr. Thomas and Mr. Jaynes seconded. The motion passed 4-0.

Other Business

Mr. Rawlins, Executive Director of the Bureau, explained that the Bureau has an open position and filling a position has to be approved by the Bureau. Members of the Registry of Election Finance had previously approved filling this position. Mr. Rawlins sought approval to hire Emily Alexander. Mr. Hardeman moved to approve the hiring and Mr. Jaynes seconded. The motion passed 4-0.

Discussion of proposed changes to the Tennessee Ethics Act was postponed until the next meeting.

Mr. Rawlins explained a new law (Public Chapter 519) that would require suspension of lobbyist registrations for non-payment of student loans. The Tennessee Student Assistance Corporation (TSAC) will provide names to the Commission of lobbyists who are delinquent.

This concluded the business of the regularly scheduled meeting and the meeting adjourned.